

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2156**

---

**Introduced by Assembly Member Wagner**

February 23, 2012

---

An act to ~~amend Section 1200 of~~ *add Section 1273 to* the Evidence Code, relating to evidence.

LEGISLATIVE COUNSEL'S DIGEST

AB 2156, as amended, Wagner. Evidence: admissibility of statements: hearsay rule.

Existing law, known as the hearsay rule, provides that, at a hearing, evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated is inadmissible. Existing law also provides exceptions to the hearsay rule to permit the admission of specified kinds of evidence.

This bill would ~~make technical, nonsubstantive changes to those provisions~~ *specify that evidence of a record, which meets certain requirements relating to the subpoena of business records, that is received by an investigating officer pursuant to a search warrant or subpoena is not made inadmissible by the hearsay rule against the defendant at a preliminary hearing in a criminal action.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 1273 is added to the Evidence Code, to*  
2     *read:*

1     1273. *Evidence of a record, which complies with Section 1560,*  
2     *that is received by an investigating officer pursuant to a search*  
3     *warrant or subpoena is not made inadmissible by the hearsay rule*  
4     *against the defendant at a preliminary hearing in a criminal action.*

5     SECTION 1. ~~Section 1200 of the Evidence Code is amended~~  
6     ~~to read:~~

7     ~~1200. (a) "Hearsay evidence" is evidence of a statement that~~  
8     ~~was made other than by a witness while testifying at the hearing~~  
9     ~~and that is offered to prove the truth of the matter stated.~~

10    ~~(b) Except as provided by law, hearsay evidence is inadmissible.~~

11    ~~(c) This section shall be known, and may be cited, as the hearsay~~  
12    ~~rule.~~